IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11640 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHADRESH RAMNIKLAL TRIVEDI - Petitioner(s)
Versus
PRINCIPAL & 1 - Respondent(s)

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Appearance :
MR AM RAVAL for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 22/12/2005

ORAL JUDGMENT

The petitioner has filed this petition under Article 226 of the Constitution of India praying for a direction to the respondent to give the petitioner the benefit of G.R 26.11.81 passed by the respondent. The petitioner has

also prayed for the direction to the respondent Government to convert the post of the petitioner into regular post and to absorb and regularise him on completion of 3 years from the date of his appointment as a part time and to grant consequential benefits.

2. Mr. A.M Raval learned advocate for the petitioner has submitted that the issue is squarely covered by the decision of this court in Special Civil Application No. 1595 of 2000 wherein this Court observed that the controversy involved in that petition has been the subject matter of different petitions namely Special Civil Application 8917/98 and its cognate matters which were decided by the Court on 17.2.04 whereby these petitions were allowed and the respondents were directed to appoint the petitioners of those petitions on permanent basis in class IV, if the posts were found vacant and in accordance with their claim in seniority and concerned recruitment regulations. In view of the said decision the Court has also issued the similar directions in the petition being Special Civil Application 1595 of 2000. The court has also made it clear that irrespective of the circular dated 21.8.95, they shall consider the case of each petitioner for appointment on permanent

post in class IV and if the permanent posts are found vacant, they shall be appointed on the same in accordance with the claim in seniority and concerned regulations. The Court has further directed that such exercise shall be carried out as early as possible. Mr. Raval has further submitted that against the aforesaid order the Letters Patent Appeal was preferred by the State Government being Letters Patent Appeal 2418/04 on 26.1.04.

3. In the above view of the matter Mr. Raval has submitted that the present petition be therefore allowed by giving similar directions to the respondent.

4. In the above view of the matter, the present petition is hereby allowed and the respondents are hereby directed to consider the case of the petitioner for appointment on permanent basis in class IV and if the permanent posts are found vacant, the petitioner shall be appointed on the same in accordance with the claim in seniority and concerned regulations. This exercise be carried out by the respondent as early as possible but in any case not later than 31.3.06. It is open for the petitioner to make appropriate representation before the respondent authority and if

it is made, the same shall be considered in the light of the aforesaid direction issued by the Court.

5. Subject to the aforesaid directions and observations, this petition is allowed and rule is made absolute to the aforesaid extent without any order as costs.

(K.A.Puj, J)

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